



May 10, 2004

**Bernard Vining
6419 South Troy Street
Chicago, IL. 60629**

**In re : Application of Vining
Application No. 10/080,260
Filed February 21, 2002
For: Smoke Detector with RF Reset Switch**

RE; Daily U.S. Mail received, handling , filing process and order of reponse to incoming mail.

**(A) All incoming U.S. Mail received Monday thru Saturday are handled, by Tamika Vining (wife) and (myself) Bernard Vining only.
See attachment 1 & 2.**

**(B) Incoming or new U.S. Mail is than place in retainer for further separations of individual labor mail received to be reviewed by that person if not present.
See attachment 3.**

**(C) Upon reviewing new individual received U.S. Mailed Documents, they're separated and than filed accordingly ;
(1) Mail to be reponed to by giving or specify date's.
(2) Reviewed mail Documents which retained for future reference.
See attachment 4. - Documents to be reponse to in a specify time giving or granted.
See attachment 5. - Documents to be retained for record keeping and further reviewing.**

Hereby, these illustrations of how we process incoming U.S. Mail only further demonstrated that the intented Document Notice of Abandonment, said, Mailed March 19, 2002 was never received inorder to properly reponse to the specify time peroid granted by **US PATENT.**

Therefore, again as express somewhat in the reply Document dated Dec. 15, 2003, we havn't received this mention Document above. See attachment 6

Thank you kindly for dismissing the my Patent.

Most Sincere,


Mr. Bernard Vining



UNITED STATES PATENT AND TRADEMARK OFFICE



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6419 South Troy Street
Chicago, IL 60629

5-11-04

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COMMISSIONER FOR PATENT
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 145
ALEXANDRIA, VA 22313-1451
www.uspto.gov

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Paper No. 9

OFFICE OF PETITIONS

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ON PETITION

In re Application of :
Vining :
Application No. 10/080,260 :
Filed: February 21, 2002 :
For: Smoke Detector With RF Reset Switch :

This is a decision in response to the paper filed March 23, 2004, which is being treated as a petition under 37 CFR 1.181 (no fee) to withdraw the holding of abandonment of the above-identified application.

The petition is dismissed.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are NOT permitted. The reconsideration request should include a cover letter entitled "Renewed Petition To Withdraw the Holding of Abandonment."

A previous petition was filed on December 29, 2003. A decision was mailed on January 21, 2004. A renewed petition was filed on February 23, 2004. A decision dismissing the petition was mailed on March 2, 2004. The prior decisions discussed several things which needed to be supplied. Petitioner has supplied the \$65 surcharge and a proper declaration in compliance with the decisions. However, petitioner has not filed a proper showing of non-receipt of the Notice to File Missing Parts.

Evidence to establish non-receipt of the Notice to File Missing Parts mailed March 19, 2002:

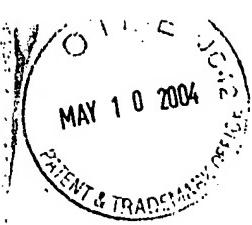
Petitioner has failed to provide any of the requested evidence. Petitioner should closely read the following discussion and respond accordingly.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed March 19, 2002. The Notice set a period for reply of two (2) months from the mail date of the Notice. Accordingly, the above-identified application became abandoned on May 19, 2002. A Notice of Abandonment was mailed on December 3, 2003.

Petitioner contends that the Notice of Missing Parts was never received.

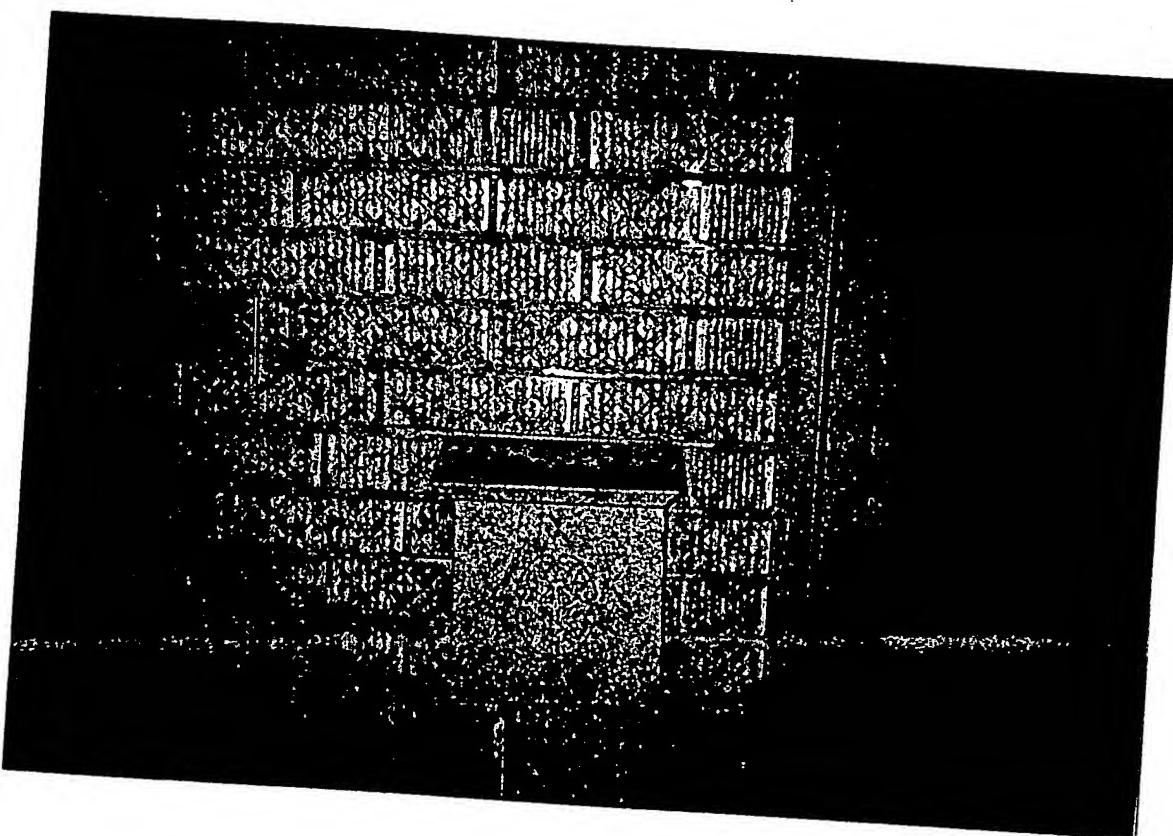
In the absence of any irregularity in the mailing of the Office action, there is a strong presumption that the Office action was properly mailed and received. In order to overcome this presumption, a petition alleging non-receipt of an Office action must:

- (1) include a statement that the Office action was not received,
- (2) attest that a search of the file jacket, or location where the paper would have been placed, has been made, and
- (3) include any additional information which may be required by the Commissioner



Attachment 1

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Attachment 2

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MAY 10 2004
J.C.
PATENT & TRADEMARK OFFICE

Attachment 3

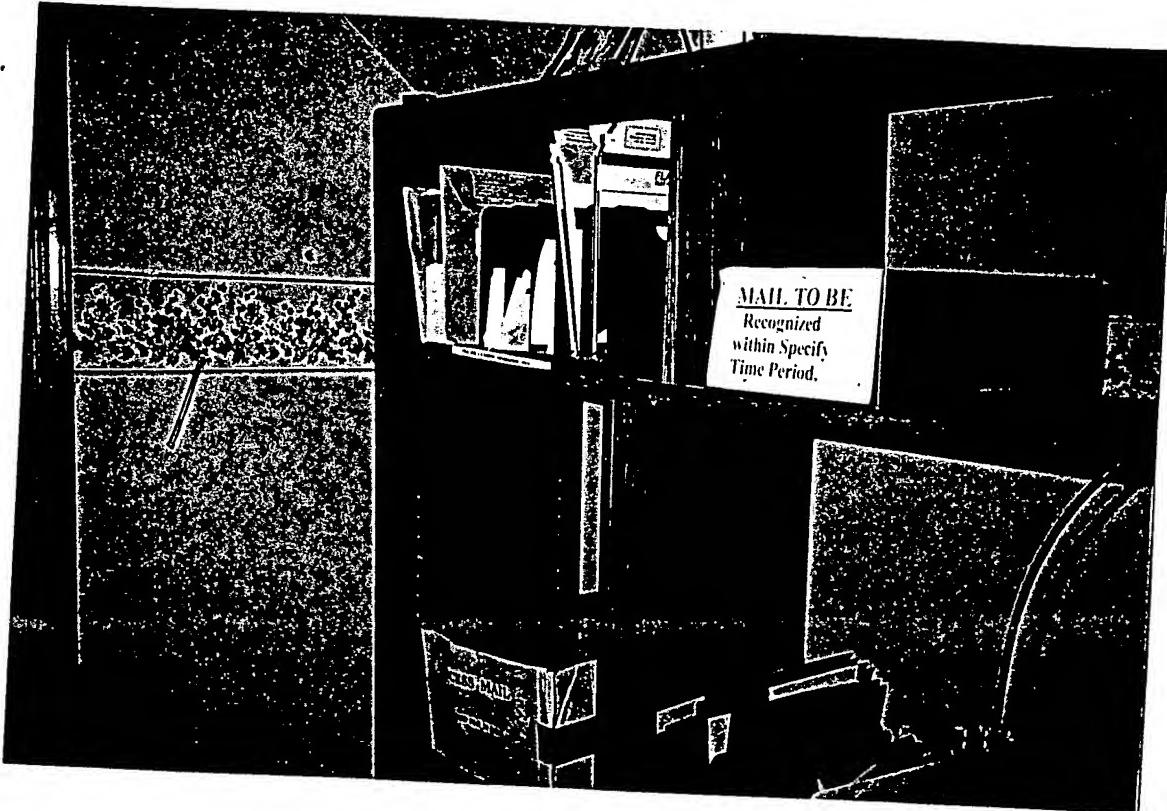
BEST AVAILABLE COPY





Attachment 4

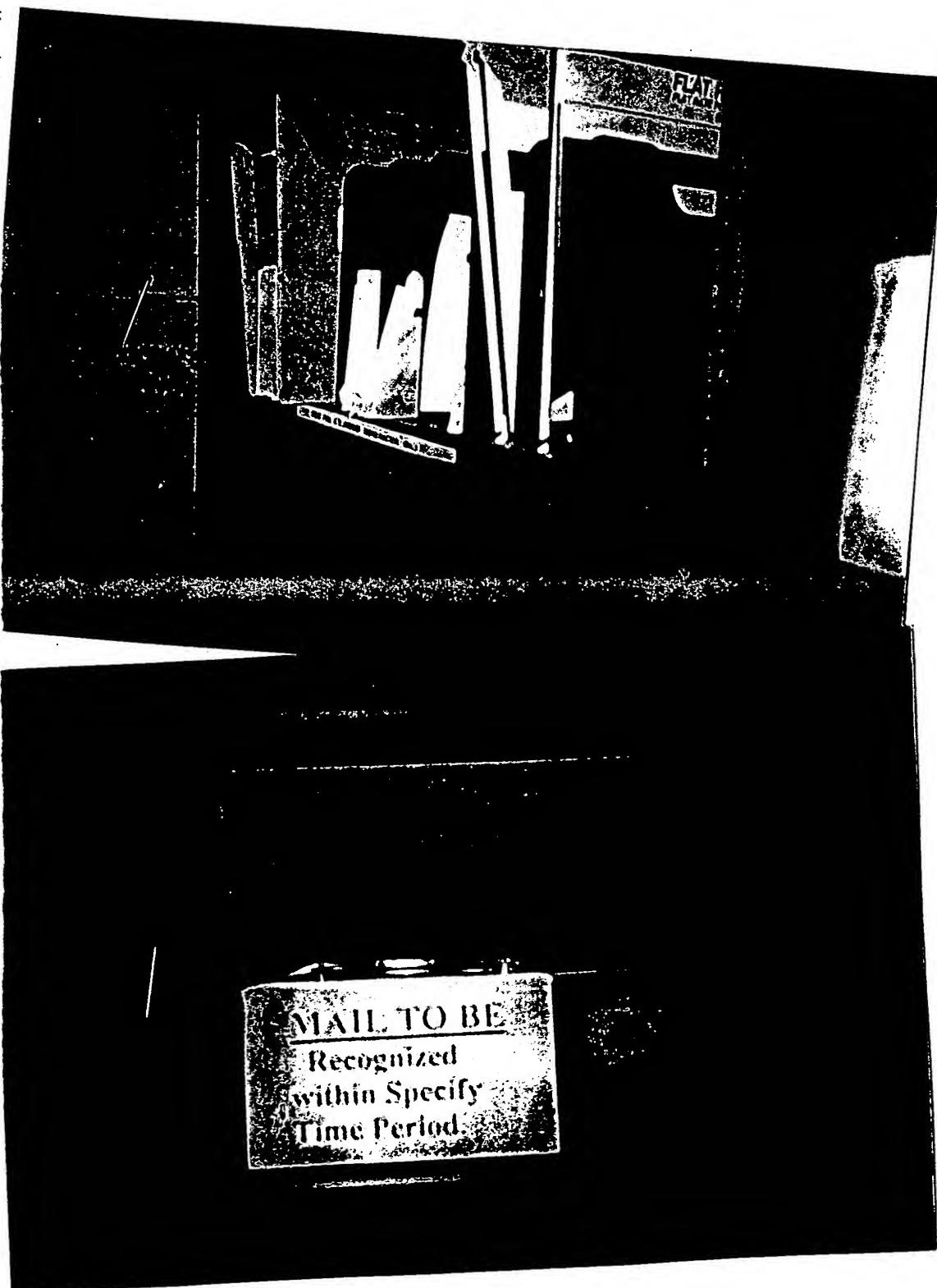
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Attachment 5

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Attachment 6



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MAY 13 2004

OFFICE OF PETITIONS

December 15, 2003

APPLICATION NUMBER 10/80,260

RE : NOTICE OF ABANDONMENT UNER 37 CFR 1.53 (f) OR (g)

**PETITION TO THE COMMISSIONER TO AVOID ABANDONMENT AND
TO RESTORE PATENT.**

Herein, after carefully reviewing all filed US Patent Documents received both related and non-related, it appears this Notice of Abandonment Document, said, was Mailed on 03/19/ 2002, was either Internally to be Mail or lost in US Mail, whereby, it was never received in-order to make proper timely correction.

Again, here if receiving a most important document such as this, I'm more than sure, I would've properly responded within the specific time granted to avoid Abandonment. Therefore, by not being fully aware of this Abandonment Notice, please remove my Patent from this unknown department, wherein, it may be process as I originally planed.

Thank you kindly,

Most Sincere,

Mr. Bernard Vining